



Dane County

Minutes

Board of Adjustment

Consider:

Who benefits? Who is burdened?

Who does not have a voice at the table?

How can policymakers mitigate unintended consequences?

Thursday, April 24, 2025

6:30 PM

Hybrid Meeting: Attend in person at the City
County Building, Room 354.

See below for additional instructions on how to attend the meeting and provide public testimony.

A. Call To Order

Chair Long called the meeting to order at 6:30pm and introduced the members of the Board.

Also present: Staff: Assistant Zoning Administrator Hans Hilbert.

Present 4 - Secretary SUE STUDZ, ALEXANDER ELKINS, GEORGE CORRIGAN, and AL LONG

B. Public Comment for any Item not listed on the Agenda

No public comments were made.

C. Consideration of Minutes

1. Minutes of the March 27, 2025 Public Hearing

STUDZ to approve the minutes. Motion carried.

Ayes: 4 - STUDZ, ELKINS, CORRIGAN and LONG

2. Minutes of the April 10, 2025 Site Inspection Meeting

STUDZ to approve the minutes. Motion carried.

Ayes: 3 - STUDZ, CORRIGAN and LONG

Abstain: 1 - ELKINS

D. Public Hearing for Appeals

1. Appeal 3734. Variance appeal by Chad Wiese for a variance from the minimum required front yard setback as provided by Section 10.102(9)2.b. Dane County Code of Ordinances, to permit proposed detached residential garage 2272 County Highway AB, being Lot 14 Washington Park, Section 23, Town of Dunn.

VARIANCES REQUESTED: Purpose: Construction detached residential garage Setback from Road Variance:

Minimum setback from right-of-way required: 42 feet.

Proposed Setback: From front lot line: 22 feet.

VARIANCE NEEDED: 20 feet.

Assistant Zoning Administrator (AZA) Hilbert presented a staff report reporting facts of the case.

IN FAVOR: Chad Wiese, owner, spoke in favor of the variance request and answered questions of the Board.

ZONING ADMINISTRATOR'S COMMENTS: Hilbert relayed that the Zoning Administrator had no comments.

OPPOSED: [None. The Chair stated no rebuttal was needed.]

Facts of the Case:

Existing:

- *Property contains an existing single family residence and small storage shed.*

Proposed

- *Owners propose to remove small storage shed and construct a detached residential garage partially within the required front setback of the property.*

Zoning Notes:

- *The required setback to buildings from a county highway is 42 feet from the right-of-way line.*
- *The property is subject to shoreland zoning regulations as it is entirely within 300 feet of Lake Kegonsa.*
- *Variance 2318 granted in 1992 for adjacent property to the south to construct a detached garage 2 feet from ROW line of CTH AB*
- *Variance 3028 granted in 1999 for adjacent property to the north to construct an attached garage 32 feet from ROW line of CTH AB.*
- *Numerous other variances exist within the immediate area due to proximity to County Highway, Lake Kegonsa, and changes in natural topography.*

History

- *1998, permit DCPZP-1998-02463 issued for addition of screen porch over a wood deck*
- *1999, variance 3017 to allow greater than 50% improvement to non-conforming structure (related to 1998 zoning permit)*
- *2021, permits DCPSHL-2021-00053 & DCPZP-2021-00245 issued for replacement of deck and steps*
- *Violation History: None.*

COMMUNICATIONS:

Town of Dunn: 3/3/2025 acknowledgement; 4/15/25 Board recommendation of approval.

Dane County Highway Department: No concerns, as location of access to County

Highway will not change.

Conclusions:

- 1) Unnecessary Hardship: It would be unreasonable burdensome to not afford the property owner use of the property in ways afforded to neighboring properties who have previously been provided even greater relief from the ordinance due to unique property limitations.*
- 2) Unique Limitations of the Property: The steep topography, and sandwiching between a County Highway and Lake Kegonsa hamper development and creates difficulty in mitigating stormwater runoff.*
- 3) No Harm to Public Interests: Adjacent development exists closer to the highway right-of-way than is being proposed. Neither the Town nor County Highway Department raised any concerns with the proposed location.*

STUDZ to grant variance of 20 feet from minimum required setback to a County Highway. Motion carried.

Ayes: 4 - STUDZ, ELKINS, CORRIGAN and LONG

2. Appeal 3735. Variance appeal by Lake Land Builders (Chad Strutzel, Agent) for a variance from the minimum required side yard, and maximum height and area of a boathouse as provided by Sections 10.251(5)(b)2.b. and 11.03(2)(c)1., Dane County Code of Ordinances, to permit reconstruction of boathouse at 3228 Aalseth Ln, being Lot 2 Camp Dewey, Section 25, Town of Dunn.

VARIANCES REQUESTED: Purpose: Construction of boathouse

Setback from side yard:

Minimum setback from right-of-way required: 2.5 feet.

Proposed Setback: From front lot line: 0 feet.

VARIANCE NEEDED: 2.5 feet.

Maximum height of a boathouse:

Maximum height allowed: 12 feet.

Proposed height: From OHWM: 13.8 feet.

VARIANCE NEEDED: 1.8 feet.

Maximum area of a boathouse:

Maximum area allowed: 450 square feet.

Proposed area: 580 feet.

VARIANCE NEEDED: 130 feet.

Access and Viewing Corridor Width:

Maximum corridor width: 19.278 feet.

Proposed width: 24 feet.

VARIANCE NEEDED: 4.722 feet.

Assistant Zoning Administrator (AZA) Hilbert presented a staff report reporting facts of the case.

IN FAVOR: Chad Strutzel, Lakeland Builders, owner, spoke in favor of the variance request and answered questions of the Board.

ZONING ADMINISTRATOR'S COMMENTS: Hilbert relayed that the Zoning Administrator had no comments.

OPPOSED: [None. The Chair stated no rebuttal was needed.]

Facts of the Case:

Existing:

- *Owner has obtained a shoreland zoning permit to remove and replace the residence on the property.*

Proposed

- *Owners propose to construct a boathouse in the same size and location of a previous boathouse. The proposed size and height exceed the limits of the ordinance.*

Zoning Notes:

- *Boathouse is defined as a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.*
- *A boathouse is an exempt structure if it is:*
 - o *Located entirely above the ordinary high water mark*
 - o *Entirely within the access and viewing corridor*
 - o *Does not contain plumbing*

- o *Is not used for human habitation.*
- *An exempt structure is exempt from shoreland setback regulation.*
- *Boathouses shall:*
 - o *Have a footprint no greater than 450 square feet.*
 - o *Not exceed a height of 12 feet measured from the ordinary high water mark.*
 - o *Be located entirely within the access and viewing corridor.*
- *Accessory structures on lots less than 60 feet in width shall be setback at least 2.5 ft from side and rear property lines.*

History

- *2019: Permit DCPSHL-2019-00052 issued to repair existing retaining wall*
- *2025: Permit DCPSHL-2025-00008 issued for the removal and replacement of a residence*
- *Violation History: None.*

COMMUNICATIONS:

Town of Dunn: 3/10/2025 acknowledgement; 4/15/25 Board recommendation of approval.

Conclusions:

- 1) *Unnecessary Hardship: Strict compliance with the ordinance would cause unnecessary disturbance of the shoreline and would likely result in additional variances being requested simply to stabilize the site due to removing the remains of a legal non-conforming structure. It is reasonable to allow a property owner the ability to replace a structure within an existing footprint.*
- 2) *Unique Limitations of the Property: The previous boathouse was constructed on the side property line. The remaining portions of the foundation act as retaining walls to the benefit of both property owners.*
- 3) *No Harm to Public Interests: Granting of the variance will not result in any change impacting the public compared to what has previously existed for many years.*

CORRIGAN to grant, in part, the requested variance including 2.5 feet of side yard relief, 130 square feet maximum size of a boathouse relief, and 4.722 feet of maximum width of the access and viewing corridor relief. No relief was granted to the maximum height of a boathouse. Motion carried.

Ayes: 4 - STUDZ, ELKINS, CORRIGAN and LONG

E. Appeals from Previous Meetings

1. Written decision of Appeal 3727. Administrative appeal by Maier Farms Real Estate LLC.

CORRIGAN to approve the written decision of appeal 3727, as amended. Motion carried.

Ayes: 4 - STUDZ, ELKINS, CORRIGAN and LONG

F. Reports to Committee

Hilbert informed the Board that May meetings would not be necessary, but they would have business before them in June. The June agenda will also include an opportunity to review and suggest changes to the rules and procedures of the Board.

G. Other Business Authorized by Law

H. Adjournment

STUDZ to adjourn. The Board adjourned by voice vote at 8:27 pm.